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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against,

15 **STEVEN WAYNE SCHICK, M.D.**
16 **21 Skygate**
Aliso Viejo, CA 92656-1820

17 **Physician's and Surgeon's Certificate**
18 **No. G 59024**

19 Respondent.

Case No. 800-2016-027944

20 **DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

21 **FINDINGS OF FACT**

22 1. On or about November 15, 2018, Complainant Kimberly Kirchmeyer, in her official
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer
24 Affairs, filed Accusation No. 800-2016-027944 against Steven Wayne Schick, M.D.
25 (Respondent) before the Medical Board of California. A true and correct copy of Accusation No.
26 800-2016-027944 is attached as **Exhibit 1** to the accompanying Default Decision Evidence
Packet.¹

27 ¹ All exhibits are true and correct copies of the originals, and are attached to the
28 accompanying Default Decision Evidence Packet. The Default Decision Evidence Packet is
hereby incorporated by reference, in its entirety, as if fully set forth herein.

1 2. On or about October 27, 1986, the Medical Board of California (Board) issued
2 Physician's and Surgeon's Certificate No. G 59024 to Respondent. The Physician's and
3 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
4 herein and will expire on April 30, 2020, unless renewed. A true and correct copy of
5 Respondent's Certificate of Licensure is attached as **Exhibit 2**.

6 3. On or about November 15, 2018, Sara Pasion, an employee of the Complainant
7 Agency, served by Certified Mail a copy of the Accusation No. 800-2016-027944, Statement to
8 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
9 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 21
10 Skygate, Aliso Viejo, CA 92656-1820.

11 4. On or about December 7, 2018, the Board received the signed U.S. Postal Service
12 return receipt card, signed by "PSchick" acknowledging receipt of the Accusation package at
13 Respondent's address of record with the Board. A true and correct copy of the signed return
14 receipt card is attached as **Exhibit 3**.

15 5. Service of the Accusation was effective as a matter of law under the provisions of
16 Government Code section 11505, subdivision (c).

17 6. On or about December 13, 2018, Deputy Attorney General Jason J. Ahn prepared and
18 V. Guerrero, an employee of the Attorney General's Office served by Certified Mail a Courtesy
19 Notice of Default along with a copy of the Accusation No. 800-2016-027944, and related
20 documents to Respondent's address of record with the Board, 21 Skygate, Aliso Viejo, CA
21 92656-1820. A true and correct copy of the Courtesy Notice of Default, the copy of Accusation
22 No. 800-2016-027944, the related documents, and proof of service is attached as **Exhibit 4**.

23 7. On or about December 26, 2018, Deputy Attorney General Jason J. Ahn received the
24 signed U.S. Postal Service return receipt card signed by "Pamela Schick" acknowledging receipt
25 of the Courtesy Notice of Default. (Exhibit 6, Declaration of Deputy Attorney General Jason J.
26 Ahn, ¶ 6.) A true and correct copy of the signed return receipt card is attached as **Exhibit 5**.

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1 8. To date, Respondent has not filed a Notice of Defense. (Exhibit 6, Declaration of
2 Deputy Attorney General Jason J. Ahn, ¶ 7.)

3 9. Government Code section 11506 states, in pertinent part:

4 “...

5 “(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
6 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
7 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
8 respondent’s right to a hearing, but the agency in its discretion may nevertheless grant a hearing.”

9 “...”

10 10. Respondent failed to file a Notice of Defense within 15 days after service upon him
11 of the Accusation, and therefore, waived his right to a hearing on the merits of Accusation No.
12 800-2016-027944.

13 11. California Government Code section 11520 states, in pertinent part:

14 “(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
15 agency may take action based upon the respondent’s express admissions or upon other evidence
16 and affidavits may be used as evidence without any notice to respondent.”

17 “...”

18 12. Pursuant to its authority under Government Code section 11520, the Board finds
19 Respondent is in default. The Board will take action without further hearing and, based on
20 Respondent’s express admissions by way of default and the evidence before it, contained in
21 Exhibits 1 through 6, in the separate accompanying “Default Decision Evidence Packet,” finds
22 that the allegations in Accusation No. 800-2016-027944 are true and correct.

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1 13. Section 2234 of the Code, states, in pertinent part:

2 “The board shall take action against any licensee who is charged with
3 unprofessional conduct. In addition to other provisions of this article, unprofessional
4 conduct includes, but is not limited to, the following:

5 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
6 abetting the violation of, or conspiring to violate any provision of this chapter.

7 “...”

8 14. Unprofessional conduct under Business and Professions Code section 2234 is conduct
9 which breaches the rules or ethical code of the medical profession, or conduct which is
10 unbecoming a member in good standing of the medical profession, and which demonstrates an
11 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
12 575.)

13 15. Section 2236 of the Code states, in pertinent part:

14 “(a) The conviction of any offense substantially related to the qualifications;
15 functions, or duties of a physician and surgeon constitutes unprofessional conduct
16 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
17 of conviction shall be conclusive evidence only of the fact that the conviction
18 occurred.

19 “...”

20 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere
21 is deemed to be a conviction within the meaning of this section and Section 2236.1.
22 The record of conviction shall be conclusive evidence of the fact that the conviction
23 occurred.”

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1 16. Section 2239 of the Code states:

2 “(a) The use or prescribing for or administering to himself or herself, of any
3 controlled substance; or the use of any of the dangerous drugs specified in Section
4 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
5 or injurious to the licensee, or to any other person or to the public, or to the extent that
6 such use impairs the ability of the licensee to practice medicine safely or more than
7 one misdemeanor or any felony involving the use, consumption, or self
8 administration of any of the substances referred to in this section, or any combination
9 thereof, constitutes unprofessional conduct. The record of the conviction is conclusive
10 evidence of such unprofessional conduct.

11 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
12 contendere is deemed to be a conviction within the meaning of this section. The
13 Division of Medical Quality² may order discipline of the licensee in accordance with
14 Section 2227 or the Division of Licensing may order the denial of the license when
15 the time for appeal has elapsed or the judgment of conviction has been affirmed on
16 appeal or when an order granting probation is made suspending imposition of
17 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
18 the Penal Code allowing such person to withdraw his or her plea of guilty and to enter
19 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
20 complaint, information, or indictment.”³

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23
24 ² California Business and Professions Code section 2002, as amended and effective January 1,
25 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical
26 Practice Act (Cal. Bus. & Prof. Code, sections 2000, et seq.) mean the “Medical Board of California,” and
references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other
provision of law shall be deemed to refer to the Board.

27 ³ There is a nexus between a physician’s use of alcoholic beverages and his or her fitness to
28 practice medicine, established by the Legislature in section 2239, “in all cases where a licensed physician
used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others.”
(*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407, 1411.)

1 17. California Code of Regulations, title 16, section 1360, states:

2 "For the purposes of denial, suspension or revocation of a license, certificate or
3 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
4 or act shall be considered to be substantially related to the qualifications, functions or
5 duties of a person holding a license, certificate or permit under the Medical Practice
6 Act if to a substantial degree it evidences present or potential unfitness of a person
7 holding a license, certificate or permit to perform the functions authorized by the
8 license, certificate or permit in a manner consistent with the public health, safety or
9 welfare. Such crimes or acts shall include but not be limited to the following:

10 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violation of, or conspiring to violate any provision of the Medical Practice Act."

12 18. Respondent has subjected his Physician's and Surgeon's Certificate No. G 59024 to
13 disciplinary action under sections 2227 and 2234, as defined by section 2236, subdivision (a), of
14 the Code, in that he has been convicted of a crime substantially related to the qualifications,
15 functions, or duties of a physician and surgeon, as more particularly alleged hereinafter:

16 A. On September 26, 2016, Deputies from Orange County Sheriff's Department
17 (deputies) were dispatched to the area of Aliso Creek and Westwing, in Orange County,
18 California, for a traffic collision investigation.

19 B. Upon arrival, the deputies contacted Respondent, the driver at fault for the
20 traffic collision. Upon contact with Respondent, the deputies smelled a strong odor of
21 alcoholic beverage emanating from the Respondent. The deputies observed that
22 Respondent's eyes were bloodshot and watery and that Respondent's speech was slurred.
23 Respondent told the deputies that the collision was Respondent's fault and that he drank
24 "five" low ball glasses of vodka/grapefruit cocktail earlier that day. Respondent was
25 traveling eastbound on Westwing and was approaching the intersection with Aliso Creek to
26 make a right turn and instead of stepping on the brake pedal in order to slow down,
27 Respondent stepped on the accelerator. Respondent remembers colliding into the white
28 truck and ending up stopped against the curb.

1 C. Witness S. stated that he was traveling northbound Aliso Creek and was
2 preparing to make a left turn at the intersection with Westwing. As the left turn arrow
3 changed to green, he approached the intersection and saw Respondent's car (Hummer) to
4 his left entering the intersection and not stopping. Respondent's car was out of control,
5 came across to opposite traffic, made an abrupt u-turn and collided into another vehicle
6 (Chevy), causing it to spin around. Witness S. luckily came to an abrupt stop and avoided
7 being in the path of Respondent's car as it passed by his car.

8 D. Witness J. stated that he was traveling northbound on Aliso Creek to make a
9 right turn onto Westwing. As he approached the intersection, the traffic light facing him
10 turned green and he saw Respondent's car coming straight at him. At that point, Witness J.
11 sped up and Respondent's car just missed clipping his truck. As he made a right turn onto
12 Westwing, Witness J. looked back and saw Respondent's car swerve back and collide into
13 the passenger side of Chevy.

14 E. Witness T. stated that she was stopped in the #2 lane of southbound Aliso
15 Creek at the intersection with Westwing. When the light turned green, Witness T. hesitated
16 and looked to her right and saw Respondent's car entering the intersection, out of control,
17 then over-correct back into the Chevy.

18 F. The deputies observed that as a result of this collision, the Chevy sustained
19 moderate damage to the entire right truck bed. The Hummer (car Respondent was driving)
20 sustained moderate damage to the right front fender and the right front wheel assembly was
21 worn off as a result of this collision.

22 G. Due to the fact that Respondent had surgery to his left hip about eight months
23 ago and uses a walker to stand, the deputies were unable to administer Field Sobriety Tests.
24 Respondent agreed to perform a Preliminary Alcohol Screening (PAS) test to assist the
25 deputies in their evaluation of Respondent's level of sobriety. The results of the PAS test
26 showed 0.294% Blood Alcohol Concentration (BAC) and 0.294% BAC. The deputies
27 arrested Respondent for driving under the influence of alcohol. After the arrest,
28 Respondent provided a blood sample which was sent to Orange County Crime Lab for

1 testing. The blood sample showed that Respondent's blood alcohol concentration was
2 0.257 % BAC.

3 H. On September 28, 2016, the Orange County District Attorney filed a criminal
4 complaint against Respondent in the matter of *The People of the State of California v.*
5 *Steven Wayne Schick*, Superior Court Case No. 16HM11175. Count one charged
6 Respondent with driving under the influence of alcohol with one prior, in violation of
7 Vehicle Code section 23152, subdivision (a), a misdemeanor. Count two charged
8 Respondent with driving with blood alcohol .08% or more with one prior, in violation of
9 Vehicle Code section 23152, subdivision (b), a misdemeanor. Count three charged
10 Respondent with unsafe turning movement, in violation of Vehicle Code section 22107, an
11 infraction. As to counts 1 and 2 it was further alleged that Respondent had a blood alcohol
12 concentration of .20 percent or more, by weight, in violation of Vehicle Code section
13 23538(b)(2). In addition, as to counts 1 and 2, it was further alleged that on or about May
14 12, 2008, Respondent was convicted of violating Vehicle Code Section 23152 (a), driving
15 under the influence of alcohol, a misdemeanor, case number 08HM04558, in the Superior
16 Court of the State of California, in and for the County of Orange.

17 I. On May 12, 2008, in the case entitled *People of the State of California v.*
18 *Steven Wayne Schick*, Superior Court of California, County of Orange, Case No.
19 08HM04558, Respondent was convicted of one misdemeanor violation of California
20 Vehicle Code section 23152(a), driving under the influence of alcohol.

21 J. On September 26, 2016, Respondent was convicted upon his guilty plea to
22 counts 1, 2, and 3 and admitted all of the other allegations. After his plea, Respondent was
23 given a five (5) year informal probation, with terms and conditions including, but not
24 limited to, 120 days in jail with 90 days stayed on the condition Respondent participates in
25 120 days in Cornerstone in-patient program and 90 days in an out-patient program, 18-
26 month multiple offender alcohol program, and various fines and fees.

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19. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 59024 to disciplinary action under sections 2227 and 2234, as defined by section 2239, subdivision (a), of the Code, in that he used alcohol, to the extent, or in such a manner as to be dangerous or injurious to respondent, another person or the public, as more particularly alleged in paragraph 18, above, which is hereby incorporated by reference and realleged as if fully set forth herein.

20. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 59024 to disciplinary action under sections 2227 and 2234, as defined by section 2234, of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 18 through 19, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Steven Wayne Schick, M.D. has subjected his Physician's and Surgeon's Certificate No. G 59024 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. Pursuant to its authority under California Government Code section 11520, and based on the evidence before it, the Board hereby finds that the charges and all allegations in Accusation No. 800-2016-027944, and the Findings of Fact contained in paragraphs 1 through 20, above, and each of them, separately and severally, are true and correct.

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5. Pursuant to its authority under California Government Code section 11520, and by reason of the Findings of Fact contained in paragraphs 1 through 20, above, and Determination of Issues 1, 2, 3 and 4 above, the Board hereby finds that Respondent Steven Wayne Schick, M.D., has subjected his Physician's and Surgeon's Certificate No. G 59024 to disciplinary action under sections 2227 and 2234, 2239, subdivision (a), as defined by section 2236, subdivision (a), of the Code, in that:

a. Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon, in violation of sections 2227 and 2234, as defined by section 2236, subdivision (a) of the Code; and

b. Respondent used alcohol, to the extent, or in such a manner as to be dangerous or injurious to himself, another person or the public in violation of sections 2227 and 2234, as defined by section 2239, subdivision (a), of the Code; and

c. Respondent engaged in conduct which breached the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine in violation of sections 2227 and 2234, as defined by section 2234, of the Code.

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. G 59024, heretofore issued to Respondent Steven Wayne Schick, M.D., is revoked.

If Respondent ever files an application for licensure in the State of California, the Board shall treat it as a petition for reinstatement of a revoked license. Respondent must comply with all laws, regulations, and procedures for reinstatement of a revoked license at the time that the application for relicensure or petition for reinstatement is filed.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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1 This Decision shall become effective on February 27, 2019 at 5:00p.m.

2 It is so ORDERED January 28, 2019.

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4 FOR THE MEDICAL BOARD OF CALIFORNIA
5 DEPARTMENT OF CONSUMER AFFAIRS
6 KIMBERLY KIRCHMEYER
7 EXECUTIVE DIRECTOR
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8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Nov. 15 20 18
BY Maureen ANALYST

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 800-2016-027944

15 **Steven Wayne Schick, M.D.**
16 **21 Skygate**
17 **Aliso Viejo, CA 92656-1820**

A C C U S A T I O N

18 **Physician's and Surgeon's Certificate**
19 **No. G 59024,**

Respondent.

20
21 Complainant alleges:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
24 capacity as the Executive Director of the Medical Board of California, Department of Consumer
25 Affairs (Board).

26 2. On or about October 27, 1986, the Medical Board issued Physician's and Surgeon's
27 Certificate Number G 59024 to Steven Wayne Schick, M.D. (Respondent). The Physician's and
28 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought

1 herein and will expire on April 30, 2020, unless renewed.

2 **JURISDICTION**

3 3. This Accusation is brought before the Board, under the authority of the following
4 laws. All section references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2227 of the Code states:

6 “(a) A licensee whose matter has been heard by an administrative law judge of
7 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
8 Code, or whose default has been entered, and who is found guilty, or who has entered
9 into a stipulation for disciplinary action with the board, may, in accordance with the
10 provisions of this chapter:

11 “(1) Have his or her license revoked upon order of the board.

12 “(2) Have his or her right to practice suspended for a period not to exceed one
13 year upon order of the board.

14 “(3) Be placed on probation and be required to pay the costs of probation
15 monitoring upon order of the board.

16 “(4) Be publicly reprimanded by the board. The public reprimand may include
17 a requirement that the licensee complete relevant educational courses approved by the
18 board.

19 “(5) Have any other action taken in relation to discipline as part of an order of
20 probation, as the board or an administrative law judge may deem proper.

21 “(b) Any matter heard pursuant to subdivision (a), except for warning letters,
22 medical review or advisory conferences, professional competency examinations,
23 continuing education activities, and cost reimbursement associated therewith that are
24 agreed to with the board and successfully completed by the licensee, or other matters
25 made confidential or privileged by existing law, is deemed public, and shall be made
26 available to the public by the board pursuant to Section 803.1.”

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1 5. Section 2234 of the Code, states, in pertinent part:

2 “The board shall take action against any licensee who is charged with
3 unprofessional conduct. In addition to other provisions of this article, unprofessional
4 conduct includes, but is not limited to, the following:

5 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
6 abetting the violation of, or conspiring to violate any provision of this chapter.

7 “...”

8 6. Unprofessional conduct under Business and Professions Code section 2234 is conduct
9 which breaches the rules or ethical code of the medical profession, or conduct which is
10 unbecoming a member in good standing of the medical profession, and which demonstrates an
11 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
12 575.)

13 7. Section 2236 of the Code states, in pertinent part:

14 “(a) The conviction of any offense substantially related to the qualifications,
15 functions, or duties of a physician and surgeon constitutes unprofessional conduct
16 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
17 of conviction shall be conclusive evidence only of the fact that the conviction
18 occurred.

19 “...”

20 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere
21 is deemed to be a conviction within the meaning of this section and Section 2236.1.
22 The record of conviction shall be conclusive evidence of the fact that the conviction
23 occurred.”

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1 8. Section 2239 of the Code states:

2 “(a) The use or prescribing for or administering to himself or herself, of any
3 controlled substance; or the use of any of the dangerous drugs specified in Section
4 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
5 or injurious to the licensee, or to any other person or to the public, or to the extent that
6 such use impairs the ability of the licensee to practice medicine safely or more than
7 one misdemeanor or any felony involving the use, consumption, or self
8 administration of any of the substances referred to in this section, or any combination
9 thereof, constitutes unprofessional conduct. The record of the conviction is conclusive
10 evidence of such unprofessional conduct.

11 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
12 contendere is deemed to be a conviction within the meaning of this section. The
13 Division of Medical Quality¹ may order discipline of the licensee in accordance with
14 Section 2227 or the Division of Licensing may order the denial of the license when
15 the time for appeal has elapsed or the judgment of conviction has been affirmed on
16 appeal or when an order granting probation is made suspending imposition of
17 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
18 the Penal Code allowing such person to withdraw his or her plea of guilty and to enter
19 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
20 complaint, information, or indictment.”²

21 //

22 ///

23 _____
24 ¹ California Business and Professions Code section 2002, as amended and effective January 1,
25 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical
26 Practice Act (Cal. Bus. & Prof. Code, sections 2000, et seq.) mean the “Medical Board of California,” and
27 references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other
28 provision of law shall be deemed to refer to the Board.

27 ² There is a nexus between a physician’s use of alcoholic beverages and his or her fitness to
28 practice medicine, established by the Legislature in section 2239, “in all cases where a licensed physician
 used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others.”
 (*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407, 1411.)

1 9. California Code of Regulations, title 16, section 1360, states:

2 “For the purposes of denial, suspension or revocation of a license, certificate or
3 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
4 or act shall be considered to be substantially related to the qualifications, functions or
5 duties of a person holding a license, certificate or permit under the Medical Practice
6 Act if to a substantial degree it evidences present or potential unfitness of a person
7 holding a license, certificate or permit to perform the functions authorized by the
8 license, certificate or permit in a manner consistent with the public health, safety or
9 welfare. Such crimes or acts shall include but not be limited to the following:

10 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violation of, or conspiring to violate any provision of the Medical Practice Act.”

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Conviction of a Crime Substantially Related to the Qualifications,
14 Functions, or Duties of a Physician and Surgeon)**

15 10. Respondent has subjected his Physician’s and Surgeon’s Certificate No. G 59024 to
16 disciplinary action under sections 2227 and 2234, as defined by section 2236, subdivision (a), of
17 the Code, in that he has been convicted of a crime substantially related to the qualifications,
18 functions, or duties of a physician and surgeon, as more particularly alleged hereinafter:

19 11. On or about September 26, 2016, Deputies from Orange County Sheriff’s Department
20 (deputies) were dispatched to the area of Aliso Creek and Westwing, in Orange County, California,
21 for a traffic collision investigation.

22 12. Upon arrival, the deputies contacted Respondent, the driver at fault for the traffic
23 collision. Upon contact with Respondent, the deputies smelled a strong odor of alcoholic beverage
24 emanating from the Respondent. The deputies observed that Respondent’s eyes were bloodshot
25 and watery and that Respondent’s speech was slurred. Respondent told the deputies that the
26 collision was Respondent’s fault and that he drank “five” low ball glasses of vodka/grapefruit
27 cocktail earlier that day. Respondent was traveling eastbound on Westwing and was approaching
28 the intersection with Aliso Creek to make a right turn and instead of stepping on the brake pedal in

1 order to slow down, Respondent stepped on the accelerator. Respondent remembers colliding into
2 the white truck and ending up stopped against the curb.

3 13. Witness S. stated that he was traveling northbound Aliso Creek and was preparing to
4 make a left turn at the intersection with Westwing. As the left turn arrow changed to green, he
5 approached the intersection and saw Respondent's car (Hummer) to his left entering the intersection
6 and not stopping. Respondent's car was out of control, came across to opposite traffic, made an
7 abrupt u-turn and collided into another vehicle (Chevy), causing it to spin around. Witness S.
8 luckily came to an abrupt stop and avoided being in the path of Respondent's car as it passed by
9 his car.

10 14. Witness J. stated that he was traveling northbound on Aliso Creek to make a right turn
11 onto Westwing. As he approached the intersection, the traffic light facing him turned green and he
12 saw Respondent's car coming straight at him. At that point, Witness J. sped up and Respondent's
13 car just missed clipping his truck. As he made a right turn onto Westwing, Witness J. looked back
14 and saw Respondent's car swerve back and collide into the passenger side of Chevy.

15 15. Witness T. stated that she was stopped in the #2 lane of southbound Aliso Creek at the
16 intersection with Westwing. When the light turned green, Witness T. hesitated and looked to her
17 right and saw Respondent's car entering the intersection, out of control, then over-correct back into
18 the Chevy.

19 16. The deputies observed that as a result of this collision, the Chevy sustained moderate
20 damage to the entire right truck bed. The Hummer (car Respondent was driving) sustained
21 moderate damage to the right front fender and the right front wheel assembly was worn off as a
22 result of this collision.

23 17. Due to the fact that Respondent had surgery to his left hip about eight months ago and
24 uses a walker to stand, the deputies were unable to administer Field Sobriety Tests. Respondent
25 agreed to perform a Preliminary Alcohol Screening (PAS) test to assist the deputies in their
26 evaluation of Respondent's level of sobriety. The results of the PAS test showed 0.294% Blood
27 Alcohol Concentration (BAC) and 0.294% BAC. The deputies arrested Respondent for driving
28 under the influence of alcohol. After the arrest, Respondent provided a blood sample which was

1 sent to Orange County Crime Lab for testing. The blood sample showed that Respondent's blood
2 alcohol concentration was 0.257 % BAC.

3 18. On or about September 28, 2016, the Orange County District Attorney filed a criminal
4 complaint against Respondent in the matter of *The People of the State of California v. Steven Wayne*
5 *Schick*, Superior Court Case No. 16HM11175. Count one charged Respondent with driving under
6 the influence of alcohol with one prior, in violation of Vehicle Code section 23152, subdivision (a),
7 a misdemeanor. Count two charged Respondent with driving with blood alcohol .08% or more
8 with one prior, in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor. Count
9 three charged Respondent with unsafe turning movement, in violation of Vehicle Code section
10 22107, an infraction. As to counts 1 and 2 it was further alleged that Respondent had a blood
11 alcohol concentration of .20 percent or more, by weight, in violation of Vehicle Code section
12 23538(b)(2). In addition, as to counts 1 and 2, it was further alleged that on or about May 12, 2008,
13 Respondent was convicted of violating Vehicle Code Section 23152 (a), driving under the influence
14 of alcohol, a misdemeanor, case number 08HM04558, in the Superior Court of the State of
15 California, in and for the County of Orange.

16 19. On or about September 26, 2016, Respondent was convicted upon his guilty plea to
17 counts 1, 2, and 3 and admitted all of the other allegations. After his plea, Respondent was given
18 a five (5) year informal probation, with terms and conditions including, but not limited to, 120 days
19 in jail with 90 days stayed on the condition Respondent participates in 120 days in Cornerstone in-
20 patient program and 90 days in an out-patient program, 18-month multiple offender alcohol
21 program, and various fines and fees.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 59024, issued to Steven Wayne Schick, M.D.;
2. Revoking, suspending or denying approval of Steven Wayne Schick, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Steven Wayne Schick, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED:
November 15, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant